

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

MARVIN FLOYD FORTENBERRY,)	
)	
Petitioner)	
)	
v.)	Case No. 5:09-cv-02346-KOB
)	
STATE OF ALABAMA, et al.,)	
)	
Respondents)	


DISMISSAL ORDER

On December 4, 2009, the magistrate judge's report and recommendation was entered and the parties were allowed fourteen days in which to file objections to the recommendations made by the magistrate judge. Neither the petitioner nor the respondents filed objections.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge and it is therefore

The court ORDERS that the petition for writ of habeas corpus in this action be and the same hereby is DISMISSED WITHOUT PREJUDICE.

DONE this 26th day of March, 2010.


KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE